

**ATTACHMENT A: STATEMENT OF FACTS – JOHN TANKISLEY**

*The parties stipulate that had this case gone to trial, the government would have proven the following facts beyond a reasonable doubt. The parties further stipulate that these facts do not encompass all of the facts which would have been proven at trial.*

A Confidential Witness ("CW") under investigation by the Immigrations and Customs Enforcement Agency ("ICE") for processing credit card transactions for child pornography site access under the billing code of "NEWSAC" identified one individual who had paid for access through his service as **JOHN TANKISLEY**, with an email address of john2151@verizon.net and home address of 13105 Valleywood Drive, Silver Spring, MD 20906. The CW provided information that **TANKISLEY** used a Citibank credit card billed to the Valleywood Drive address when he purchased access to an illicit website in February 2008.

On May 6, 2009, ICE agents executed a search warrant at the Valleywood Drive address. **TANKISLEY** was present, was advised of and voluntarily waived his rights, and admitted that he had used Verizon's DSL service at that address for four to five years with the email address john2151@verizon.net. Both he and his girlfriend stated that only he used the computer to browse the internet at the home. **TANKISLEY** consented to a search of his computers. When asked if he had purchased accessed child pornography sites over the internet, **TANKISLEY** admitted that he had and had paid by credit card. Credit card and PayPal records show that **TANKISLEY** paid for access to websites and newsgroups known to trade in child pornography multiple times between 2006 and 2008, including one transaction to NEWSAC in Newark, New Jersey, for \$79.99 on May 20, 2008.

Forensic examination of the two computers seized in **TANKISLEY**'s home yielded over 100 image files and more than 30 video files containing child pornography located on one computer's hard drive, including "K-K[1].wmv," a 3:09 minute long video of an actual nude prepubescent female performing fellatio on an adult male and a nude prepubescent female being anally penetrated by an adult male, which had been received and created on the hard drive on April 25, 2009. At least five of the recovered files are known to the National Center for Missing and Exploited Children to depict identified minor victims. Many of the recovered files were located in the "temporary internet files" folder under the "**JOHN TANKISLEY**" profile. Some images had been accessed and stored on the computer's hard drive as recently as May 5, 2009.

I have read this statement of facts, and have carefully reviewed it with my attorney. I acknowledge that it is true and correct.

NOV. 12, 2010  
Date

  
John P. Tankisley

I am John Tankisley's attorney. I have carefully reviewed the statement of facts with him.

11/12/10  
Date

  
Richard P. Arnold, Esq.